

September 8, 2005
Case No. GP-304500 (2760/163)
Serial No.: 10/786,980
Filed: February 25, 2004
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REMARKS:

Claims 1-19 stand rejected under 35 U.S.C. §102(e) as anticipated by Marko. This rejection is traversed.

Marko fails to disclose configuring a primary diagnostic script for a telematics equipped mobile vehicle as claimed in claims 1, 10, and 19, and therefore this rejection fails. At most, Marko teaches that a diagnostic script is capable of executing small programs to detect the potential variances and generate trigger events. Marko does not teach that this script is configured for a telematics equipped mobile vehicle – merely that the script is downloaded and can be tailored to various custom features and diagnostic needs which may not have been anticipated at the time a particular vehicle was produced. *See*, column 3 lines 27-32.

Furthermore, Marko fails to disclose that the primary diagnostic script recreates known problem sequences when executed, as claimed in claims 6 and 15. The Examiner's citation to FIG. 4 and column 8 lines 12-31 is misplaced. At most, Marko teaches an analyzer that includes histogram reference patterns associated with particular algorithms that compile current data patterns to compare with reference patterns to detect a trigger event. *See*, column 8, lines 12-17. Furthermore, FIG. 4 does not illustrate recreating known problem sequences, but rather merely discloses scripted algorithms that operate using histogram reference patterns, a histogram accumulator, max/min values, moving averages and an algebraic unit. Such a disclosure is not the same as recreating known problem sequences when executed.

Claims 2-9 and 11-18 depend directly or indirectly from claims 1 or 10 respectively, and are therefore patentable over Marko for at least the same reasons.

Withdrawal of the rejections to claims 1-19 is requested.

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SUMMARY:

Claims 1-19 as set forth herein fully satisfy the requirements of 35 U.S.C. §§102, 103, and 112. In view of foregoing remarks, favorable consideration and early passage to issue of the present application are respectfully requested.


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Respectfully submitted,
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